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REMARKS

This is response to the Office Action mailed on October 3, 2006. The Office Action rejected claims 1, 6-8, 10-12, 46, and 49-61. The Application currently includes claims 1, 6-8, 10-12, 46 and 49-61. No new matter has been added. Reconsideration of the claims is requested.

The Office Action rejected independent claims 1, 46 and 61 under 35 U.S.C. 103(a) as being unpatentable over Jansen (6,528,006) in view of Yamane et al. (5,875,004). The Office Action alleges that the Jansen patent teaches a method for producing a prosthesis having at least partially cutting a material segment with a beam (abstract) where the target is a pericardial patch and chordae (col. 4, ll. 15-65 and col. 1, ll. 10-55), where the laser is interfaced to a controller and programmed to cut only to a particular depth (col. 2, ll. 20-40) via a path of the beam (col. 2, ll. 40-60), the workpiece requires a plurality of sweeps (col. 2, ll. 50-61). The Office Action alleges that the Yamane et al. patent teaches a process control unit to compare the workpiece to correspond to a target image. The Office Action concludes it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of the Jansen patent in order to utilize the process control method in order to automatically execute a visual inspection along the entire surface containing multiple points (Yamane et al., col. 1, ll. 10-20).

Applicant respectfully disagrees that independent claim 1 is made obvious by the combination of the Jansen patent in view of the Yamane patent. An element of independent claim 1 includes controlling the beam by a process control unit to cut the material segment based upon a pattern determined by comparing the material segment to a target image. There is no disclosure in the combination of Jansen in view of Yamane et al. of a process control unit controlling the path of the beam based upon a pattern determined by comparing the material segment to a target image.

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The Examiner agrees that Jansen does not disclose a process control unit that controls a path of a beam. The Examiner states that Yamane et al. teach a process control unit to compare workpieces to correspond to a target image.

However, Yamane et al. does not disclose utilizing a process control unit to control the path of the beam. Rather, Yamane et al. disclose an image processing apparatus that is utilized to inspect the product for quality control purposes. The imaging process device compares a shape of the product to a known shape. There is no disclosure of utilizing the comparative data to control the path of the beam used for cutting as claimed.

There is no disclosure in Jansen of utilizing a process control unit to control the path of the beam. Similarly, Yamane et al. does not teach utilizing any of the imaging data to control the beam. Therefore, independent claim 1 is not made obvious by the Jansen patent in view of the Yamane et al. patent.

Further, Applicants submit the only reason for making the combination of references is the disclosure of the present application. Jansen relates to a method of machining preformed plastic film. Yamane et al. relates to an image processing inspection apparatus. Absent the disclosure of the present invention, there is no motivation, teaching or suggestion to make the combination of references. The utilization of such hindsight reconstruction is not proper in making an obviousness rejection.

For the foregoing reasons, independent claim 1 is in allowable form. Reconsideration and allowance of claim 1 are respectfully requested.

The Office Action also rejected independent claim 46 for the reasons stated with respect to independent claim 1.

Appropriate bioprosthetic tissue materials can be formed from natural materials, synthetic tissue, matrices and combinations thereof. As set forth on page 14, lines 24-32 of Applicant's specification, synthetic tissue matrices can be formed from extracellular matrix proteins that are crosslinked to form a tissue matrix or from synthetic materials, such as polymers, that have or have had viable cells associated with the matrix. Thus, tissue materials have viable cells or structures formed from viable cells that are no longer present.

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The Jansen patent discloses the separation or ablation of synthetic resin foils or plastic films. Synthetic resin foils and plastic films are not a tissue sheet as claimed. There is no disclosure of the tissue sheet claimed in claim 46. Therefore, the Office Action fails to establish a *prima facie* basis to reject independent claim 46.

Claim 46 is not made obvious by the combination of Jansen in view of Yamane et al. Reconsideration and allowance of claim 46 are respectfully requested.

The Office Action also rejected independent claim 61 for the reasons stated with respect to independent claim 1. Applicants respectfully disagree that independent claim 61 is made obvious by the combination of Jansen in view of Yamane et al. An element of independent claim 61 includes utilizing a process control unit for processing the imaging data to generate a cutting pattern and to provide an interface from the process control unit to a cutting tool or a platform to cut the material segment based upon the cutting pattern generated by the process control unit.

For the reasons stated with respect to independent claim 1, neither Jansen nor Yamane et al. disclose the utilization of a process control unit to control a cutting tool or a platform to cut a material segment. Therefore, for the reasons stated with respect to independent claim 1, independent claim 61 is in allowable form. Reconsideration and allowance of claim 61 are respectfully requested.

Dependent claims 6-8, 10-12 and 49-60, which depend from independent claims 1 and 46, were also rejected. While Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed these rejections are moot in light of the remarks made in connection with independent claims 1 and 46. These dependent claims include all the limitations of the base claims and intervening claims to recite additional features which further distinguish these claims from the cited references.

For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of claims 1, 6-8, 10-12, 46, and 49-61 under 35 U.S.C. § 103(a) as being unpatentable over the Jansen patent in view of the Yamane et al. patent.

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Based upon the foregoing, allowance of claims 1, 6-8, 10-12, 46, and 49-61 is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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